

REFERENCE TITLE: **redistricting commission; elected members**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HCR 2026

Introduced by
Representative Paton

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article IV, part 2, section 1, Constitution of Arizona, is proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 1. Senate: house of representatives: members: special
7 session upon petition of members: congressional and
8 legislative boundaries; citizen commissions

9 Section 1. (1) The senate shall be composed of one
10 member elected from each of the thirty legislative districts
11 established pursuant to this section.

12 The house of representatives shall be composed of two
13 members elected from each of the thirty legislative districts
14 established pursuant to this section.

15 (2) Upon the presentation to the governor of a petition
16 bearing the signatures of not less than two-thirds of the
17 members of each house, requesting a special session of the
18 legislature and designating the date of convening, the governor
19 shall promptly call a special session to assemble on the date
20 specified. At a special session so called the subjects which
21 may be considered by the legislature shall not be limited.

22 (3) By February 28 of each year that ends in one, an
23 independent redistricting commission shall be established to
24 provide for the redistricting of congressional and state
25 legislative districts. The independent redistricting commission
26 shall consist of ~~five members~~ ONE PERSON WHO IS ELECTED FROM
27 EACH CONGRESSIONAL DISTRICT IN THIS STATE AND WHO IS NOMINATED
28 AND ELECTED AT THE PRIMARY AND GENERAL ELECTION IN EACH YEAR
29 THAT ENDS IN ZERO. ~~No more than two members of the independent~~
30 ~~redistricting commission shall be members of the same political~~
31 ~~party. Of the first four members appointed, no more than two~~
32 ~~shall reside in the same county.~~ Each member shall be a
33 registered Arizona voter who has been continuously registered
34 with the same political party or registered as unaffiliated with
35 a political party for three or more years immediately preceding
36 ~~appointment~~ ELECTION, who is committed to applying the
37 provisions of this section in an honest, independent and
38 impartial fashion and to upholding public confidence in the
39 integrity of the redistricting process. Within the three years
40 previous to ~~appointment~~ ELECTION, members shall not have been
41 appointed to, elected to, or a candidate for any other public
42 office, including precinct committeeman or committeewoman but
43 not including school board member or officer, and shall not have
44 served as an officer of a political party, or served as a
45 registered paid lobbyist or as an officer of a candidate's
46 campaign committee.

1 ~~(4) The commission on appellate court appointments shall~~
2 ~~nominate candidates for appointment to the independent~~
3 ~~redistricting commission, except that, if a politically balanced~~
4 ~~commission exists whose members are nominated by the commission~~
5 ~~on appellate court appointments and whose regular duties relate~~
6 ~~to the elective process, the commission on appellate court~~
7 ~~appointments may delegate to such existing commission~~
8 ~~(hereinafter called the commission on appellate court~~
9 ~~appointments' designee) the duty of nominating members for the~~
10 ~~independent redistricting commission, and all other duties~~
11 ~~assigned to the commission on appellate court appointments in~~
12 ~~this section.~~

13 ~~(5) By January 8 of years ending in one, the commission~~
14 ~~on appellate court appointments or its designee shall establish~~
15 ~~a pool of persons who are willing to serve on and are qualified~~
16 ~~for appointment to the independent redistricting commission. The~~
17 ~~pool of candidates shall consist of twenty-five nominees, with~~
18 ~~ten nominees from each of the two largest political parties in~~
19 ~~Arizona based on party registration, and five who are not~~
20 ~~registered with either of the two largest political parties in~~
21 ~~Arizona.~~

22 ~~(6) Appointments to the independent redistricting~~
23 ~~commission shall be made in the order set forth below. No later~~
24 ~~than January 31 of years ending in one, the highest ranking~~
25 ~~officer elected by the Arizona house of representatives shall~~
26 ~~make one appointment to the independent redistricting commission~~
27 ~~from the pool of nominees, followed by one appointment from the~~
28 ~~pool made in turn by each of the following: the minority party~~
29 ~~leader of the Arizona house of representatives, the highest~~
30 ~~ranking officer elected by the Arizona senate, and the minority~~
31 ~~party leader of the Arizona senate. Each such official shall~~
32 ~~have a seven day period in which to make an appointment. Any~~
33 ~~official who fails to make an appointment within the specified~~
34 ~~time period will forfeit the appointment privilege. In the~~
35 ~~event that there are two or more minority parties within the~~
36 ~~house or the senate, the leader of the largest minority party by~~
37 ~~statewide party registration shall make the appointment.~~

38 ~~(7) Any vacancy in the above four independent~~
39 ~~redistricting commission positions remaining as of March 1 of a~~
40 ~~year ending in one shall be filled from the pool of nominees by~~
41 ~~the commission on appellate court appointments or its designee.~~
42 ~~The appointing body shall strive for political balance and~~
43 ~~fairness.~~

44 ~~(8) At a meeting called by the secretary of state, the~~
45 ~~four independent redistricting commission members shall select~~
46 ~~by majority vote from the nomination pool a fifth member who~~

~~shall not be registered with any party already represented on the independent redistricting commission and who shall serve as chair. If the four commissioners fail to appoint a fifth member within fifteen days, the commission on appellate court appointments or its designee, striving for political balance and fairness, shall appoint a fifth member from the nomination pool, who shall serve as chair.~~

~~(9)~~ (4) The ~~five~~ commissioners shall ~~then~~ select by majority vote one of their members to serve as **CHAIR AND ONE OF THEIR MEMBERS TO SERVE AS** vice-chair.

~~(10) After having been served written notice and provided with an opportunity for a response, a member of the independent redistricting commission may be removed by the governor, with the concurrence of two-thirds of the senate, for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.~~

~~(11)~~ (5) If a commissioner or chair does not complete the term of office for any reason, **THE VACANCY SHALL BE FILLED AS OTHERWISE PROVIDED BY LAW.** ~~the commission on appellate court appointments or its designee shall nominate a pool of three candidates within the first thirty days after the vacancy occurs. The nominees shall be of the same political party or status as was the member who vacated the office at the time of his or her appointment, and the appointment other than the chair shall be made by the current holder of the office designated to make the original appointment. The appointment of a new chair shall be made by the remaining commissioners. If the appointment of a replacement commissioner or chair is not made within fourteen days following the presentation of the nominees, the commission on appellate court appointments or its designee shall make the appointment, striving for political balance and fairness. The newly appointed commissioner shall serve out the remainder of the original term.~~

~~(12)~~ (6) Three commissioners, including the chair or vice chair, ~~constitute~~ **A MAJORITY OF THE COMMISSIONERS CONSTITUTE** a quorum. ~~Three or more affirmative votes are~~ **AND A MAJORITY VOTE IS** required for any official action. Where a quorum is present, the independent redistricting commission shall conduct business in meetings open to the public, with ~~48~~ **FORTY-EIGHT** or more hours public notice provided.

~~(13)~~ (7) A commissioner, during the commissioner's term of office and for three years thereafter, shall be ineligible for Arizona public office or for registration as a paid lobbyist.

~~(14)~~ (8) The independent redistricting commission shall establish congressional and legislative districts. The

1 commencement of the mapping process for both the congressional
 2 and legislative districts shall be the creation of districts of
 3 equal population in a grid-like pattern across the state.
 4 Adjustments to the grid shall then be made as necessary to
 5 accommodate the goals as set forth below:

6 ~~A.~~ (a) Districts shall comply with the United States
 7 Constitution and the United States voting rights act. ~~;~~

8 ~~B.~~ (b) Congressional districts shall have equal
 9 population to the extent practicable, and state legislative
 10 districts shall have equal population to the extent
 11 practicable. ~~;~~

12 ~~C.~~ (c) Districts shall be geographically compact and
 13 contiguous to the extent practicable. ~~;~~

14 ~~D.~~ (d) District boundaries shall respect communities of
 15 interest to the extent practicable. ~~;~~

16 ~~E.~~ (e) To the extent practicable, district lines shall
 17 use visible geographic features, city, town and county
 18 boundaries, and undivided census tracts. ~~;~~

19 ~~F.~~ (f) To the extent practicable, competitive districts
 20 should be favored where to do so would create no significant
 21 detriment to the other goals.

22 ~~(15)~~ (9) Party registration and voting history data
 23 shall be excluded from the initial phase of the mapping process
 24 but may be used to test maps for compliance with the above
 25 goals. The places of residence of incumbents or candidates
 26 shall not be identified or considered.

27 ~~(16)~~ (10) The independent redistricting commission shall
 28 advertise a draft map of congressional districts and a draft map
 29 of legislative districts to the public for comment, which
 30 comment shall be taken for at least thirty days. Either or both
 31 bodies of the legislature may act within this period to make
 32 recommendations to the independent redistricting commission by
 33 memorial or by minority report, which recommendations shall be
 34 considered by the independent redistricting commission. The
 35 independent redistricting commission shall then establish final
 36 district boundaries.

37 ~~(17)~~ (11) The provisions regarding this section are
 38 self-executing. The independent redistricting commission shall
 39 certify to the secretary of state the establishment of
 40 congressional and legislative districts.

41 ~~(18)~~ (12) ~~Upon approval of this amendment,~~ The
 42 department of administration or its successor shall make
 43 adequate office space available for the independent
 44 redistricting commission. The treasurer of the state shall make
 45 \$6,000,000 available for the work of the independent
 46 redistricting commission pursuant to the year 2000 census.

Unused monies shall be returned to the state's general fund. In years ending in eight or nine after the year 2001, the department of administration or its successor shall submit to the legislature a recommendation for an appropriation for adequate redistricting expenses and shall make available adequate office space for the operation of the independent redistricting commission. The legislature shall make the necessary appropriations by a majority vote.

~~(19)~~ (13) The independent redistricting commission, with fiscal oversight from the department of administration or its successor, shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.

~~(20)~~ (14) The independent redistricting commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the independent redistricting commission. The independent redistricting commission shall have sole authority to determine whether the Arizona attorney general or counsel hired or selected by the independent redistricting commission shall represent the people of Arizona in the legal defense of a redistricting plan.

~~(21)~~ (15) Members of the independent redistricting commission are eligible for reimbursement of expenses pursuant to law, and a member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

~~(22)~~ (16) Employees of the department of administration or its successor shall not influence or attempt to influence the district-mapping decisions of the independent redistricting commission.

~~(23)~~ (17) Each commissioner's duties established by this section expire upon the ~~appointment~~ ELECTION AND QUALIFICATION of the ~~first~~ member of the next redistricting commission THAT REPLACES THAT COMMISSIONER. The independent redistricting commission shall not meet or incur expenses after the redistricting plan is completed, except if litigation or any government approval of the plan is pending, or to revise districts if required by court decisions or if the number of congressional or legislative districts is changed.

2. The Legislature shall enact laws to implement the provisions of this amendment to the Constitution.

3. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.